



# 3

Attorney's Docket No. 955-16

PATENT

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**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**This declaration is of the following type: *(check one)*

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> National Stage PCT         |
| <input type="checkbox"/> Supplemental        | <input type="checkbox"/> Divisional                 |
| <input type="checkbox"/> Design              | <input type="checkbox"/> Continuation               |
|  | <input type="checkbox"/> Continuation-in-Part (CIP) |

**INVENTORSHIP IDENTIFICATION**

**NOTE:** If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND COMPOSITIONS FOR REDUCING CARDIAC DYSFUNCTIONS  
WITH A SELECTIVE HISTAMINE H<sub>3</sub> RECEPTOR AGONIST**the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on February 13, 2002 as  
☒ Serial No. 10/076,204 or  
☐ Express Mail No. \_\_\_\_\_, as Serial No. not yet known  
and was amended on \_\_\_\_\_. *(If applicable)*
- (c) ☐ was described and claimed in PCT International Application No. PCT/  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_. *(If any)*

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that the filing of said specification, if heretofore filed, was authorized by me.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**CLAIM OF PRIORITY OF EARLIER FOREIGN APPLICATION(S) UNDER 35 U.S.C. §119(a)-(d)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

*(List prior foreign/PCT application(s) filed within 12 months (6 months for design) prior to this U.S. application.)*

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (or PCT)	APPLICATION NO.	DATE OF FILING (Day/Month/Year)	PRIORITY CLAIMED UNDER 35 USC §119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

*(List prior U.S. provisional applications.)*

PROVISIONAL APPLICATION NO.	FILING DATE (Day/Month/Year)
60/268,393	February 13, 2001
60/381,057	November 19, 2001

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

*(List prior U.S. applications or PCT international applications designating the U.S. for benefit under 35 U.S.C. §120.)*

**U.S. APPLICATIONS****STATUS** (Check One)

U.S. SERIAL NO.	U.S. FILING DATE (Day/Month/Year)	Patented	Pending	Abandoned
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
0 /		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PCT APPLICATIONS DESIGNATING THE U.S.****STATUS** (Check One)

PCT APPLN. NO.	PCT FILING DATE (Day/Month/Year)	U.S. SERIAL NOS ASSIGNED (If any)	Patented	Pending	Abandoned
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT/			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

PRIORITY APPLICATION NO.	PRIORITY COUNTRY	FILING DATE (Day/Month/Year)	ISSUE DATE (Day/Month/Year)

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith:

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory W. Bachmann, Reg. No. 41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128; Kevin E. McDermott, Reg. No. 35,946; Robert C. Morriss, Reg. No. 42,910; James F. Harrington, Reg. No. 44,741; Algis Anilionis, Reg. No. 36,995; Justin K. Holmes, Reg. No. 42,666; and Joseph J. Catanzaro, Reg. No. 25,837 each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791; and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; John Sopko, Reg. No. 41,321; Barry Jacobsen, Reg. No. 43,689; Gloria K. Szakiel, Reg. No. 45,149; and Mark E. Baron, Reg. No. 46,150, each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054.

PLEASE SEND CORRESPONDENCE TO:

Irving Feit, Esq.  
HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

PLEASE DIRECT TELEPHONE CALLS TO:

Algis Anilionis, Ph.D.  
(516) 822-3550

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Full Name of Sole or First Inventor: Roberto Levi

Country of Citizenship: USA

Residence Address: 1035 Park Avenue, Apt. 10B  
New York, NY 10028

Post Office Address: same as above

Date: x 5/31/02

Inventor's signature

x [Signature]

Full Name of Second Inventor: Randi B. Silver

Country of Citizenship: USA

Residence Address: 254 E. 68<sup>th</sup> Street, Apt. 5B  
New York, NY 10021

Post Office Address: same as above

Date: x 5/31/02

Inventor's signature

x [Signature]

NOTE: All above spaces identifying inventors must be completed or deleted before any inventor executes this application



Attorney's Docket No. 955-16

Applicant or Patentee: Levi, et al.

Serial or Patent No.: Unassigned

Filed or Issued: February 13, 2002

For: METHOD AND COMPOSITIONS FOR REDUCING CARDIAC DYSFUNCTIONS  
WITH A SELECTIVE HISTAMINE H<sub>3</sub> RECEPTOR AGONIST

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(d))--NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Cornell Research Foundation, Inc.

ADDRESS OF ORGANIZATION 20 Thomwood Drive, Suite 105, Ithaca, New York  
14850

TYPE OF ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501 (a) and 501 (c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE ) \_\_\_\_\_  
(CITATION OF STATUTE ) \_\_\_\_\_
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 USC 501 (a) and 501 (c)(3)) IF LOCATED IN THE  
UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL  
UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF  
LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE ) \_\_\_\_\_  
(CITATION OF STATUTE ) \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

METHOD AND COMPOSITIONS FOR REDUCING CARDIAC DYSFUNCTIONS  
WITH A SELECTIVE HISTAMINE H<sub>3</sub> RECEPTOR AGONIST

by inventors Roberto Levi and Randi B. Silver

described in

- ☐ the specification filed herewith  
☒ application serial no. 09/, filed February 13, 2002  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

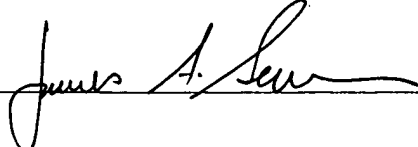
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING James A. Severson  
TITLE OF PERSON SIGNING President  
ADDRESS OF PERSON SIGNING 20 Thornwood Drive, Suite 105, Ithaca, NY 14850

SIGNATURE  DATE March 4, 2002